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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/656,776	09/04/2003	Fabio Giannetti	B-5184 621133-2	8984

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HEWLETT-PACKARD COMPANY
Intellectual Property Administration
P.O. Box 272400
Fort Collins, CO 80527-2400

EXAMINER

PATEL, MANGLESH M

ART UNIT	PAPER NUMBER
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2178

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	12/22/2006	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/656,776

Applicant(s)

GIANNETTI, FABIO

Examiner

Manglesh M. Patel

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on Amendment (October 2, 2006).
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 and 18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-14 and 18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This **FINAL** action is responsive to the amendment filed on 10/02/06.
2. Claims 1-6, 8-14 & 18 are pending. Claims 1, 11, 14 and 18 are independent claims.

Withdrawn Objections

3. The Objection to the Drawings has been withdrawn in light of the amendment.
4. The objection to claim 7 has been withdrawn in light of the amendment.

Claim Rejections – 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1-6, 8-14 and 18 remain rejected under 35 U.S.C. 103(a) as being unpatentable over Davia (U.S. Pub 2002/0156815, filed Apr 19, 2001) in view of Duhig (NPL—Separating Links From Content Using XML, Xlink and Xpointer, 2001, pgs 1-18).

Regarding Independent claims 1, 11, 14 & 18, Davia discloses a method, data structure & system of authoring content to be served by a server comprising: Authoring on a computing device a layout document which defines at least one area of a document which includes the content to be published (figs 2 & 3, paragraph 49 & 50 –55, wherein the layout document is separate from the content. The layout file defines the area of the document where content should be placed); Davia fails to teach the use of a binding element for identifying a portion of the content. Duhig teaches Authoring on a computing device at least one binding element which defines the identity and location of at least a portion of content and at least one style description which defines a style to be applied to a selected portion of content (section 5: [Out-of-line Linking], wherein the W3C standard Xpointer is used to address fragments of another document. The Xpointer element identifies the location of at least a portion of content): In which the step of authoring the layout document includes allocating to the at least one defined area a director to at least one binding

element such that when processed the published document includes in the defined area the content as directed by the binding element in the style as directed by the binding element (section 5: [Out-of-line Linking], wherein W3C standard Xlink is used in conjunction with Xpointer. Xlink is the director to the binding element. Xlink is used to reference external and local content while the fragments are located using the Xpointer element. Binding element is one of a multitude of generic object names, however the actual director is Xlink because it references the location of the actual file containing the content to be associated with the layout areas). Davia teaches a layout information file that is separate from the content information. Duhig teaches the use of Xlink with Xpointer to define Out-of-line linking for content information located elsewhere such as third-party linking. At the time of the invention it would have been obvious to include a binding element to reference a portion of content. The motivation for doing so would have been to simply the coding of the document by separating the content information from the layout description which includes style information by using Xlink to reference the content and Xpointer to reference specific portions of content. Therefore it would have been obvious to combine the teachings of Duhig with Davia for separation of content from layout thereby improving the maintainability of the code.

Regarding Dependent claim 2, with dependency of claim 2, Davia fails to teach the use of a binding element for identifying a portion of the content. Duhig discloses *the binding element does not itself contain any style or content, only containing directors to style or content* (section 5: [Out-of-line Linking], wherein the binding element is made up of an href attribute with an Xpointer according to the specification. The Xpointer does not contain the actual content or style these are located elsewhere and referenced by using Xpointer for specific portions and Xlink for the actual file location). Davia teaches a layout information file that is separate from the content information. Duhig teaches the use of Xlink with Xpointer to define Out-of-line linking for content information located elsewhere such as third-party linking. At the time of the invention it would have been obvious to include a binding element to reference a portion of content. The motivation for doing so would have been to simply the coding of the document by separating the content information from the layout description by using Xlink to reference the content and Xpointer to reference specific portions of content. Therefore it would have been obvious to combine the teachings of Duhig with Davia for separation of content from layout thereby improving the maintainability of the code.

Regarding Dependent claim 3, with dependency of claim 1, Davia fails to teach the use of a binding element for identifying a portion of the content. Duhig discloses *the content is provided as an electronic file which contains a portion of text, or image, or a combination of text and image content* (section 5: [Out-of-line Linking], wherein the content is an electronic file and contains images and text). Davia teaches a layout information file that is separate from the content information. Duhig teaches the use of Xlink with Xpointer to define Out-of-line linking for content information located elsewhere such as third-party linking. At the time of the invention it would have been obvious to include a binding element to reference a portion of content. The motivation for doing so would have been to simplify the coding of the document by separating the content information from the layout description by using Xlink to reference the content and Xpointer to reference specific portions of content. Therefore it would have been obvious to combine the teachings of Duhig with Davia for separation of content from layout thereby improving the maintainability of the code.

Regarding Dependent claim 4, with dependency of claim 3, Davia fails to teach the use of a binding element for identifying a portion of the content. Duhig discloses *the file comprises a section of data written for example in a mark-up language such as XML* (section 5: [Out-of-line Linking], the file that is referenced by Xlink and Xpointer is in XML). Davia teaches a layout information file that is separate from the content information. Duhig teaches the use of Xlink with Xpointer to define Out-of-line linking for content information located elsewhere such as third-party linking. At the time of the invention it would have been obvious to include a binding element to reference a portion of content. The motivation for doing so would have been to simplify the coding of the document by separating the content information from the layout description by using Xlink to reference the content and Xpointer to reference specific portions of content. Therefore it would have been obvious to combine the teachings of Duhig with Davia for separation of content from layout thereby improving the maintainability of the code.

Regarding Dependent claim 5, with dependency of claim 1, Davia fails to teach the use of a binding element for identifying a portion of the content. Duhig discloses *the style description is provided in the form of an electronic file written for example in a mark-up language such as XML* (section 5: [Out-of-line Linking], wherein the file referenced by Xpointer and Xlink are written in XML The file referenced by using Xpointer includes any XML file including style information). Davia teaches a layout information file that is separate from the content information. Duhig teaches the use of Xlink with Xpointer to define Out-of-line linking for

content information located elsewhere such as third-party linking. At the time of the invention it would have been obvious to include a binding element to reference a portion of content. The motivation for doing so would have been to simply the coding of the document by separating the content information from the layout description by using Xlink to reference the content and Xpointer to reference specific portions of content. Therefore it would have been obvious to combine the teachings of Duhig with Davia for separation of content from layout thereby improving the maintainability of the code.

Regarding Dependent claim 6, with dependency of claim 1, Davia fails to teach the use of a binding element for identifying a portion of the content. Duhig discloses *the director to a binding element provided in the layout document is defined as an attribute within a section of machine-readable data written in a mark-up language* (section 5: [Out-of-line Linking], wherein the director which is Xlink is an attribute that is described within a section of the markup language). Davia teaches a layout information file that is separate from the content information. Duhig teaches the use of Xlink with Xpointer to define Out-of-line linking for content information located elsewhere such as third-party linking. At the time of the invention it would have been obvious to include a binding element to reference a portion of content. The motivation for doing so would have been to simply the coding of the document by separating the content information from the layout description by using Xlink to reference the content and Xpointer to reference specific portions of content. Therefore it would have been obvious to combine the teachings of Duhig with Davia for separation of content from layout thereby improving the maintainability of the code.

Regarding Dependent claim 8, with dependency of claim 1, Davia fails to teach the use of a binding element for identifying a portion of the content. Duhig discloses *defining a binding element which defines the identity and location of more than one style description or the identity and location of more than one portion of content* (section 5: [Out-of-line Linking], wherein Xlink and Xpointer being used together are used multiple times in a markup document to reference multiple portions or content or multiple files containing content. The actual binding element is a generic object name but includes both Xlink and Xpointer to reference the remote content). Davia teaches a layout information file that is separate from the content information. Duhig teaches the use of Xlink with Xpointer to define Out-of-line linking for content information located elsewhere such as third-party linking. At the time of the invention it would have been obvious to include a binding element to reference a portion of content. The motivation for doing so would have been to simply the coding

of the document by separating the content information from the layout description by using Xlink to reference the content and Xpointer to reference specific portions of content. Therefore it would have been obvious to combine the teachings of Duhig with Davia for separation of content from layout thereby improving the maintainability of the code.

Regarding Dependent claim 9, with dependency of claim 1, Davia fails to teach the use of a binding element for identifying a portion of the content. Duhig discloses *defining two or more binding elements which direct to a common portion of content or style description* (section 5: [Out-of-line Linking], wherein Xlink and Xpointer are not limited in terms of use within a XML document. Both include the ability to reference the same piece of content or file within a markup document). Davia teaches a layout information file that is separate from the content information. Duhig teaches the use of Xlink with Xpointer to define Out-of-line linking for content information located elsewhere such as third-party linking. At the time of the invention it would have been obvious to include a binding element to reference a portion of content. The motivation for doing so would have been to simply the coding of the document by separating the content information from the layout description by using Xlink to reference the content and Xpointer to reference specific portions of content. Therefore it would have been obvious to combine the teachings of Duhig with Davia for separation of content from layout thereby improving the maintainability of the code.

Regarding Dependent claim 10, with dependency of claim 1, Davia fails to teach the use of a binding element for identifying a portion of the content. Duhig discloses *more than one binding element is provided, and the layout document includes a director to some or all of the total number of binding elements* (section 5: [Out-of-line Linking], wherein Xlink and Xpointer are not limited in terms of use within a XML document. Both include the ability to reference the same piece of content or file within a markup document including reference to portions of the same document, thereby providing Xlink to multiple Xlinks in the same document using Xpointer). Davia teaches a layout information file that is separate from the content information. Duhig teaches the use of Xlink with Xpointer to define Out-of-line linking for content information located elsewhere such as third-party linking. At the time of the invention it would have been obvious to include a binding element to reference a portion of content. The motivation for doing so would have been to simply the coding of the document by separating the content information from the layout description by using Xlink to reference the content and Xpointer to reference specific portions of content. Therefore it would have been obvious to

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combine the teachings of Duhig with Davia for separation of content from layout thereby improving the maintainability of the code.

Regarding Dependent claim 12, with dependency of claim 11, Davia discloses *one or more discrete sections of machine readable data, a first section defining the a layout document, a second section defining the at least one binding element and a third section defining content, and a fourth section defining at least one style description* (figs 2 & 3, paragraph 49 & 50 –55, wherein one section includes defining a layout area in a markup language).

Regarding Dependent claim 13, with dependency of claim 12, Davia discloses *the discrete sections form part of a single file of machine readable data or separate files of machine readable data* (figs 2 & 3, paragraph 49 & 50 –55, wherein the discrete section pertaining to the layout information is a separate file).

It is noted that any citation [[s]] to specific, pages, columns, lines, or figures in the prior art references and any interpretation of the references should not be considered to be limiting in any way. A reference is relevant for all it contains and may be relied upon for all that it would have reasonably suggested to one having ordinary skill in the art. [[See, MPEP 2123]]

Response to Arguments

7. Applicant's arguments filed 10/02/06 has been considered.

Applicant Argues:

Neither Davia nor Duhig teach or suggest a binding element "which defines the identity and location of at least a portion of content and at least one style description which defines a style to be applied to a selected portion of content." (pg 9, paragraph 3).

However the examiner respectfully disagrees: Davia figs 2 & 3, paragraph 49 & 50 –55, wherein the layout document is separate from the content. The layout file defines the area of the document where content should be placed. This layout file defines the location including style information of a portion of content. Further paragraph 47 describes references to a JavaScript library that contains functions to add, move,

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remove, show, hide, change text etc. Duhig teaches the application of XLink and XPointer. XLink allows the user to access the content. It would have been obvious to one of ordinary skill in the art to access content using XLink with XPointer to reference functions defining the style of the content. The motivation for doing so would have been to access style functions located separately using XPointer therefore reducing the amount of code in a document.

Applicant Argues:

Duhig does not teach or suggest that XPointer may be used to address either content or style of a document. (page 10, paragraph 1).

The examiner agrees with applicant that XPointer alone does not include style information, instead XPointer references a specific piece of content located in a file. However has described above XLink obtains the content whereas the style information is located in another file such as the JavaScript Library that includes the functions defining style and layout information.

Applicant Argues:

It is not acceptable to use the Applicant's disclosure on his own invention in the specification as a reference against him.

The examiner agrees with the applicant, that the arguments in the independent claim was misleading and it is inappropriate to use applicants reference against him. However the examiner's intention was quite different, instead the binding element language used in the claim was referenced in the specification to determine the meaning of the term. Further the examiner has already provided a motivation using the two references of Davia and Duhig that does not rely on applicant's specification. One of ordinary skill would realize the uses of XPointer and XLink with content because they provide the advantage to access portions of code (style information described above) located in separate files thereby reducing the amount of code in a single document.

Conclusion

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8. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

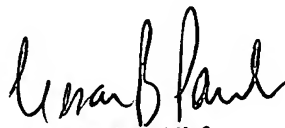
A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Manglesh M. Patel whose telephone number is (571) 272-5937. The examiner can normally be reached on M,F 8:30-6:00 T,TH 8:30-3:00 Wed 8:30-7:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stephen S. Hong can be reached on (571)272-4124. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Manglesh M. Patel
Patent Examiner
December 14, 2006



CESAR PAULA
PRIMARY EXAMINER